



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

AMERICAN FEDERATION OF STATE, COUNTY
AND MUNICIPAL EMPLOYEES

Complainant

v.

TOWN OF ALTON, BOARD OF SELECTMEN,
GEORGE SHAW, CHAIRMAN

Respondent

CASE NO. A-0495

DECISION NO. 84-61

APPEARANCES

Representing American Federation of State, County and Municipal Employees

Edward Edwards, Representative
Clark M. Stoddard
Richard J. Bassett

Representing the Town of Alton, Board of Selectmen

Daniel D. Crean, Esq.
George Shaw

BACKGROUND

On January 3, 1984, AFSCME, Local 534, Alton Public Works Employees (Union) filed a complaint charging improper practices on the part of the Town of Alton by their Board of Selectmen, George Shaw, Chairman (Town) alleging a violation of RSA 273-A:5, I (c) (discrimination) and (e) (refusal to bargain). Specifically, the Union alleges that the Town and the Union had reached an agreement but the Town implemented a different agreement and when the Union complained, subsequently cut off a retirement plan authorized for all Town employees.

The Town denies any improper practices and claims that any problems in understanding the agreement reached were because the Union did not pay enough attention to the process.

A hearing was held at the PELRB's office in Concord, N.H. on February 23, 1984, with all parties represented.

FINDINGS OF FACT AND RULINGS OF LAW

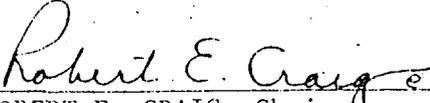
At hearing it was clear that the parties had negotiated together during 1982 and 1983 and, with the help of a mediator had reached tentative agreement and Town counsel produced something close to a "final draft" in late August

which was ratified by the Union local (September 2). On September 20, the Town submitted a revised final draft. On October 1, 1983, the Town and the employee members of the negotiating team (but not chief negotiator) executed the agreement. Also on October 1, 1983, the Town submitted the necessary cost items to the Town and they were approved.

Subsequent to October 1, 1983, the Union discovered that one particular problem it thought had been resolved, had not been (Mr. Bassett's one-time payment) and the chief negotiator refused to sign the (October 1, 1983) executed agreement. In the meantime the Town discontinued the retirement plan for the members of AFSCME Local 534 on the grounds that the contract as executed doesn't call for a retirement plan (all other Town employees still in retirement plan).

DECISION AND ORDER

- (a) PELRB finds that the parties do not have a mutually agreed upon contract due to their mutual misunderstanding of the resolution of the Bassett pay issue and the introduction of retirement plan issue;
- (b) since no contract is currently agreed to, none is in force and all employees of the Town must be in or out of the retirement plan (until this is negotiated about);
- (c) the parties are ordered to re-open negotiations with a view to reconciling their differences.


ROBERT E. CRAIG, Chairman

Signed this 22nd day of August 1984.

By unanimous vote, Chairman Robert E. Craig presiding. Members Robert D. Steele and Russell F. Hilliard present and voting. Also present Evelyn C. LeBrun, Executive Director.